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ONE HUNDRED NINTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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September 29, 2005

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The Honorable Scott J. Bloch  
Special Counsel  
U.S. Office of Special Counsel  
1730 M Street, NW  
Suite 300  
Washington, DC 20036-4505

Dear Mr. Bloch:

I write in reference to the Office of Special Counsel's ("OSC") response to my October 27, 2004, request that you investigate then-Agriculture Secretary Ann Veneman for potential violations of the Hatch Act. The OSC has told me that because you delayed your review of my complaint, Ms. Veneman has since resigned from federal office and you are unable to investigate the conduct of a former official. If this is true, it sets up a convoluted scenario in which the OSC permits federal officials, including friends of the President, to get away with illegal activities by delaying investigations until those officials leave office and cannot be punished.

When I wrote to you on October 27, 2004, Ms. Veneman was serving as the Secretary of Agriculture for the United States. That very day, it had been reported that she was traveling in her official capacity to presidential battleground states to deliver speeches that supported the re-election of President George W. Bush.<sup>1</sup> I asked that the OSC investigate whether then-Secretary Veneman had violated the Hatch Act by engaging in political activity at taxpayer expense.<sup>2</sup>

I did not hear from the OSC at all on this request until earlier this month, approximately nine months later, when an attorney with the OSC's Hatch Act Unit informed me that you would not investigate because Ms. Veneman was no longer a federal employee. Your letter states in relevant part:

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<sup>1</sup> Andrew Martin, *Bush's Cabinet Sweeps Key States Prior to Nov. 2*, CHICAGO TRIB., Oct. 27, 2004, at C22.

<sup>2</sup> Letter from the Honorable John Conyers, Jr., Ranking Member, U.S. House Comm. on the Judiciary, to the Honorable Scott J. Bloch, Special Counsel, U.S. Office of Special Counsel (Oct. 27, 2004).

Allegations such as those described above ordinarily would trigger an investigation by OSC and, if the facts warranted, a recommendation to the President of the United States for disciplinary action. However, because Ms. Veneman is no longer a federal employee, OSC would be unable to obtain meaningful disciplinary action against her, even if our investigation were to substantiate the allegations described above. Consequently, we have decided not to inquire further into those allegations and have closed our file in this matter.<sup>3</sup>

The reason Ms. Veneman is not a federal employee during your investigation is that you delayed your review of my complaint until after she had left office. If it is indeed true that the OSC may investigate only existing officials and employees, it sends the troubling message that the OSC may pardon illegal conduct on the part of federal officials simply by delaying its investigations until those employees leave office.

To better understand the OSC and its enforcement of the Hatch Act, I would appreciate your response to the following questions:

1. The August 5 OSC response implies that the OSC reviewed my complaint only after Ms. Veneman left her position as Agriculture Secretary. On what date did the OSC receive my complaint? On what date was the complaint assigned for investigation? To what individual was such assignment made? On what date(s) did such individual investigate and prepare reports on the complaint? Please provide any supporting records or documentation, including e-mails or other communications, related to these questions.
2. What is the average length of time between the OSC's receipt of a complaint and an investigation of its allegations? Please provide any supporting record or documentation.
3. If taxpayer funds have been expended on behalf of a federal political campaign in violation of the Hatch Act, are either the campaign or the individual in question required under any federal law or regulation to reimburse the U.S. Government for such expenditures? I would note that if the Treasury is reimbursed for any costs associated with political activities, then any such activities are not violations of the Hatch Act;<sup>4</sup> this indicates that reimbursement is, at a minimum, feasible.

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<sup>3</sup>Letter from Erica N. Stern, Attorney, Hatch Act Unit, U.S. Office of Special Counsel, to the Honorable John Conyers, Jr., Ranking Member, U.S. House Comm. on the Judiciary 1 (Aug. 5, 2005).

<sup>4</sup>See 5 C.F.R. § 734.503.

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Please reply promptly through the House Judiciary Democratic office, 2142 Rayburn House Office Building, Washington, D .C., 20515 (tel: 202-225-6504; fax: 202-225-4423).

Sincerely,

A handwritten signature in black ink, reading "John Conyers, Jr." in a cursive style.

John Conyers, Jr.  
Ranking Member